

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

DAVID STEBBINS,)
Plaintiff,)
v.)
RELIABLE HEAT & AIR, LLC, et al.,)
And)
RANDAL RICHARDSON, et al.)
Defendants.)
Case No. 10-3305-CV-S-RED

REPLY SUGGESTION TO MOTION FOR PARTIAL SUMMARY JUDGMENT

Comes now, *pro se* Plaintiff David Stebbins, who respectfully submits the following reply suggestion for my motion for partial summary judgment.

1. Defendants argue that I do not request any specific relief. This is not true. I requested partial summary judgment. In other words, I requested that the facts be declared established for the purposes of evidence in the pending action.
2. Defendants are plainly wrong when they argue that the statements are merely proposed facts without any reference to where in the record they are established. I provided many exhibits in my motion for partial summary judgment, and in the brief in support of my motion for partial summary judgment, I made reference to exactly where the facts could be found in the record. Perhaps the Defendants would find it prudent to actually go back and *read* the motion for partial summary judgment, *before* they waist their one and only chance to counter the motion.
3. The references were in the brief in support of the motion, not in the statement of uncontested facts. If it is that big of a deal for this court, please at least dismiss it

without prejudice, and give me the chance to provide the references specifically in the statement of uncontroverted facts.

4. Defendants' responses to my statement of uncontroverted facts are meaningless. As I already established, each and every fact listed in my statement of uncontroverted facts is proven at a point in the record, and I clearly and specifically pointed to where, exactly, in the record the fact is established.
5. Notwithstanding paragraph 3 of this reply suggestion, I will present the following arguments to the Defendants' specific denials. However, I should warn you, most of these are simply going to be "See Paragraph #Whatever in my Motion or Partial Summary Judgment," to avoid me simply repeating myself.
 - (a) In response to paragraph (III)(7) of the Defendant's Response in Opposition, see paragraph #14 of my brief in support of my motion for partial summary judgment, and also the exhibits references in that paragraph.
 - (b) In response to paragraph (III)(8) of the Defendant's Response in Opposition, see paragraph #15 of my brief in support of my motion for partial summary judgment, and also the exhibits references in that paragraph.
 - (c) In response to paragraph (III)(10)-(12) of the Defendant's Response in Opposition, see Paragraphs #18 - #23 of my brief in support of my motion for partial summary judgment, and also the exhibits references, and the technicalities explained, in those paragraphs.
 - (d) In response to paragraph (III)(13) of the Defendant's Response in Opposition, see paragraph #24 of my brief in support of my motion for partial summary judgment, and also the exhibits references in that paragraph.

(e) In response to paragraph (III)(14) of the Defendant's Response in Opposition, see paragraph #25 of my brief in support of my motion for partial summary judgment, and also the exhibits references in that paragraph.

6. All other facts are either expressly admitted in the Defendants' motion for partial summary judgment, or were not denied (e.g. Paragraph #11 of my brief in support of my motion for partial summary judgment), and are therefore still admitted by default. See Local Rule 56.1(a), "All facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the opposing party." When a fact is admitted, either expressly or technically, there is no need to provide any proof thereof.

7. Wherefore, premises considered, I respectfully pray that the motion for partial summary judgment be granted.

/s/ David Stebbins
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CERTIFICATE OF SERVICE

I, *pro se* Plaintiff David Stebbins, hereby certify that a true and correct copy of my reply suggestion to my motion for partial summary judgment was served on the Defendants by allowing them to view the Notice of Docket Activity, as permitted by Local Rule 5.1, on the 19th day of August, 2011.

/s/ David Stebbins
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